



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,233	11/22/2000	Josef P. Debbins	390086.94529	9735
7590	12/31/2003			EXAMINER WOOD, WILLIAM H
Terri S. Flynn Quarles and Brady LLP 411 East Wisconsin Avenue Milwaukee, WI 53202			ART UNIT 2124	PAPER NUMBER 6
			DATE MAILED: 12/31/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N	Applicant(s)
	09/721,233	DEBBINS ET AL.
Examiner	Art Unit	
William H. Wood	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) 6,7 and 17 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,8-16 and 18-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)

4) Interview Summary (PTO-413) Paper No(s). ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claims 1-21 have been examined.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 5, 13, 15, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Williams** (USPN 5,850,548) in view of **Vassallo** et al. (USPN 6,157,194) and in further view of **Dan Fox**, "Pure Visual Basic". Rejections the same with adjustments made to claim 1 as discussed below.

Claim 1

Williams and **Vassallo** disclosed *an application development system for a medical imaging system* limitations of claim 1 (as discussed in the previous Office Action's rejection of claim 1) and the additional limitation: *displaying a properties area* (as discussed in the previous Office Action's rejections of claims 2 and 5). **Williams** and **Vassallo** further disclosed *enabling a user to select a component in the framework area to enable a visual representation of the component or a plurality of components during application development* (as discussed in the previous Office Action's rejection of claim 6). **Williams** and **Vassallo** did not explicitly state the limitation visual representation of a component as a waveform. **Fox** demonstrated that it was known at the time of

invention to select a component to enable a graphical and modifiable representation to be visually displayed during application development (page 357-359; Figure 16.1).

Vassallo demonstrated software components containing customizable waveform information (column 2, lines 16-20; column 10, lines 5-6). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software development system of **Williams** with visual display of component representations as waveforms during application development as suggested by **Fox** and **Vassallo**'s teachings. This implementation would have been obvious because one of ordinary skill in the art would be motivated to edit components as necessary for use in a final production system (**Fox**: Figure 16.1, customizable variables reflected in the graphically displayed component; **Vassallo**: column 1, line 55 to column 2, line 47; column 10, lines 1-24, indicated customizable software used for multiple different types of hardware).

Claim 21

Williams, **Vassallo** and **Fox** disclosed the system as recited in claim 13, wherein the application program is converted to at least one of a C, a C++, or an assembly language program for execution by the medical imaging hardware (**Williams**: column 2, lines 20-28; and **Vassallo** discussed MRIs).

3. Claims 3, 4, 11, 12, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Williams** (USPN 5,850,548) in view of **Vassallo** et al. (USPN

6,157,194) and in further view of Dan **Fox**, "Pure Visual Basic" as applied above and in further view of **Johnson**, "Serialization and the JavaBeans Specification". Rejections the same with adjustments made to claim 1 as discussed above.

Claim 20

See original claim 11 rejection.

4. Claims 8-10 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Williams** (USPN 5,850,548) in view of **Vassallo et al.** (USPN 6,157,194) and in further view of Dan **Fox**, "Pure Visual Basic" as applied above and in further view of **McDonald et al.** (USPN 6,053,951). Included for *waveform plotter*. Rejections the same with adjustments made to claim 1 as discussed above.

Claim 10

Limitations can additionally be found in **Fox** page 357-359, Figure 16.1, properties reflected upon graph component.

Response to Arguments

5. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection. The new claim 1 rejection is believed to address Applicant's remarks.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
December 17, 2003

kanan chaki
KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100